

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PARK NATIONAL BANK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:08CV350 CDP
	)	
KEP-CO, INC., et al.,	)	
	)	
Defendants.	)	

**ORDER**

Counsel Anthony Tumminello has faxed a “Motion to Reschedule Rule 16 Conference due to Defendant’s Unavailability.” In the fax he states that he is unable to attend the Rule 16 conference tomorrow because he will be out of town moderating a Continuing Legal Education seminar.


Counsel Tumminello is taxing this court’s patience. First, the Court does not accept fax filings. Mr. Tumminello is a member of this bar and is bound by the same rules that apply to others, and he has been told in the past that he must file documents through the electronic case filing system like everybody else. Second, the Rule 16 conference was scheduled almost a month ago, so there was no reason for him to wait until this week to seek a continuance, especially if he is really moderating a CLE, which must have been scheduled some time ago. Third, there is no indication in the motion that he has conferred with opposing counsel

about the request to reschedule, which is required by common courtesy.

I will, however, accept the motion this time, because by the time I saw it Mr. Tumminello was already out of town, according to the motion. I will direct the Clerk of Court to scan and file it, but Mr. Tumminello is warned that no further improper filings will be accepted by this court.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to continue is granted and the conference pursuant to Rule 16, Fed.R.Civ.P., is reset to **Friday, June 27, 2008 at 11:00 a.m.**

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of June, 2008.